

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Wright
SUBJECT: SECY-21-0033: Request for an Exemption from the Decommissioning Schedule Requirements for Shutdown Reactors at the GE Hitachi Vallecitos Nuclear Center

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in STARS

Yes

No

Signature

August 2, 2021

Date

Commissioner Wright's Comments on "SECY-21-0033: Request for an Exemption from the Decommissioning Schedule Requirements for Shutdown Reactors at the GE Hitachi Vallecitos Nuclear Center"

The staff is consulting with the Commission on this exemption request pursuant to 10 C.F.R. § 50.12(a)(2)(vi). I agree that consultation is warranted in this instance and appreciate the detailed background discussion in the paper as well as the information provided in a recent Commissioner Assistant's briefing. The staff suggests that a decision on this request is precedential for other sites that have both shutdown and operational reactors where the operational reactors are expected to continue to operate significantly past the permanent cessations of operations of the shutdown reactors. I do not agree that this decision is precedential; the Commission's decision on this licensing action does not announce a new policy or bind the staff in any pending or future licensing reviews. Granting this exemption would also not create a loophole in the regulatory requirement to decommission a power reactor within 60 years of shutdown. Instead, a decision here only applies to this specific request. Based on my review of the facts in this case, I do not find the request to be in the public interest. Therefore, I disapprove the staff's recommendation to grant this exemption and instead support Option 2.

This exemption request is premised on the benefits of decommissioning all three reactors in an integrated manner. However, it is not clear that this would happen given the outstanding safety issues and Requests for Additional Information (RAIs) associated with the Vallecitos Boiling Water Reactor (VBWR). Specifically, the staff notes that it is awaiting further technical responses from the licensee on the structural integrity of the building housing the VBWR and is not able to make a recommendation on approving or denying the exemption with respect to that reactor at this time. This undermines the basis for granting the requested exemption with respect to any of the reactors because it is unclear what information will be provided in the licensee's RAI responses and how that information may impact the staff's conclusions with respect to integrated decommissioning activities. Further, the staff indicates that there will be no appreciable safety benefits in dose rate or source term reduction if this exemption is granted. Therefore, I do not approve delegating to the staff the authority to grant or deny this portion of the request or granting the exemption for the other two reactors.

In future licensing actions requiring Commission consultation, I discourage the staff from initiating the consultation when outstanding safety issues remain. In my view, the staff's requisite findings should be made or only be subject to administrative verification before the Commission is consulted. As discussed in the paper, some of these RAIs relate to safety issues raised as early as 2015 when the initial exemption was submitted. While I appreciate the value of the RAI process, it appears that denying this request years ago would have been more consistent with our Principles of Good Regulation. Finally, I appreciate the staff's efforts to address the concerns noted in this paper through its routine oversight of the facilities. After receiving the RAI responses, the staff should consider whether additional or modified oversight at this site or similarly situated sites in SAFSTOR is warranted. If the staff determines additional actions are warranted, it should provide a Commissioner's Assistants Note outlining recommended actions.